

REMARKS

Claims 1-7 and 10-21 are pending in this application. By this Amendment, claims 7, 12, 13, 17 and 20 are amended for clarity (and are unrelated to issues of patentability).

Entry of the amendments is proper under 37 C.F.R. §1.116 because the amendments: (1) place the application in condition for allowance for the reasons set forth below; (2) do not raise any new issues requiring further search and/or consideration; and/or (3) place the application in better form for appeal should an appeal be necessary. More specifically, the above amendments are merely for clarity and do not raise any new issues. Entry is proper under 37 C.F.R. §1.116..

The Office Action rejects claims 1-4 under 35 U.S.C. §102(e) by newly-cited U.S. Patent 6,697,103 to Fernandez et al. (hereafter Fernandez). The Office Action also rejects claims 5-7 and 10-21 under 35 U.S.C. §103(a) over Fernandez in view of newly-cited U.S. Patent 6,058,307 to Garner. The rejections are respectfully traversed with respect to the pending claims.

Independent claim 1 recites storing a data file and transfer conditioning information at a server, the data file and the transfer conditioning information having been received from a first mobile terminal connected through the mobile communication network. Independent claim 1 also recites transferring the data file from the server to the second mobile terminal based on the checked response information, wherein said transfer conditioning information includes a blocking time period set in the first mobile terminal by a user of when to block a file transfer from the server to the second mobile terminal.

Fernandez does not teach or suggest at least these features of independent claim 1. More specifically, the Office Action (on page 3) appears to cite Fernandez's column 12, lines 30-40 for features relating to the claimed transfer conditioning information including a blocking time period set in the first mobile terminal by a user wanting to block a file transfer from the server to the second mobile terminal. However, the cited section merely states that subsequent surveillance sessions may occur according to random, regular, intermittent or otherwise scheduled or triggered times. The reference to a trigger time does not correspond to a blocking time period, but rather corresponds to a time in which surveillance sessions may occur. Thus, Fernandez clearly does not relate to a blocking time period.

Furthermore, Fernandez does not teach or suggest the blocking time period (set in the first mobile terminal by a user) of when to block a file transfer from a server to a second mobile terminal. The Office Action appears to reference Fernandez's col. 17, line 25 for features relating to a second mobile terminal. However, Fernandez's col. 17, lines 22-32 corresponds to a redundant secondary controller which is not used for file transfer. Furthermore, the mere reference to a secondary controller does not relate to a blocking time period set in a first mobile terminal of when to block a file transfer from a server to the second mobile terminal.

Also, Fernandez does not teach or suggest storing transfer conditioning information at a server, where the transfer conditioning information includes a blocking time period. The Office Action appears to reference col. 3, line 19, col. 9, lines 25-37 and col. 12, lines 5-20 for features

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relating to storing at a server. However, Fernandez does not suggest storing transfer conditioning information at a server where the information includes a blocking time period.

For at least these reasons, Fernandez does not teach or suggest all the features of independent claim 1. Thus, independent claim 1 defines patentable subject matter.

Independent claim 7 recites storing, at a server, a data file and transfer conditioning information thereof received from a first mobile terminal connected through the mobile communication network. Independent claim 7 also recites transferring the selected data file from the server to a second mobile terminal specified as a destination of the selected file, wherein the transfer conditioning information includes information of a blocking time period set by a user of when to block a file transfer, and wherein said selecting includes selecting one data file whose transfer blocking time period is closest to a current time.

For at least similar reasons as set forth above, the applied references do not teach or suggest at least these features of independent claim 7. More specifically, the Office Action references Fernandez's col. 11, lines 53-64 for features relating to the transfer conditioning information including information of a blocking time period set by a user of when to block a file transfer. However, the disclosed next closest or available detector-server site does not correspond to a blocking time period. Rather, the cited section relates to hand-off to neighboring or next closest or available server site. Furthermore, the cited section does not relate to storing transfer conditioning information (including information of a blocking time period) received from a first mobile terminal. Still further, Fernandez's col. 11, lines 52-64 des not

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correspond to selecting one data file whose transfer blocking period is closest to a current time. Rather, the cited section relates to hand-off. Additionally, Garner does not teach or suggest the missing features of independent claim 7. Thus, independent claim 7 defines patentable subject matter.

Independent claim 12 recites setting a blocking time period at a first mobile terminal during which a file transfer is to be blocked. Independent claim 12 also recites receiving by the second mobile terminal, a display message indicating the file selected by the first mobile terminal is ready for transfer at a time not within the set blocking time period, said display message also including a size of the file to be transferred. Still further, independent claim 12 recites delaying the file transfer from the file handling server until the second mobile terminal is connected to an external apparatus having a sufficient memory capacity to store the size of the file to be transferred.

For at least similar reasons as set forth above, the applied references do not teach or suggest at least these features of independent claim 12. More specifically, Fernandez does not teach or suggest setting a blocking time period at a first mobile terminal during which a file transfer is to be blocked. The Office Action cites Fernandez's col. 12, lines 5-40 for these features. However, the cited section does not relate to a blocking time period, but rather the cited section relates to a time in which surveillance sessions may occur. The Office Action also states that Fernandez does not teach the claimed delaying the file transfer from the file handling server until the second mobile terminal is connected to an external apparatus. The Office Action

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appears to cite various sections within Garner. However, the cited sections do not teach or suggest delaying a file transfer from a file handling server until a second mobile terminal is connected to an external apparatus. Thus, the applied references do not teach or suggest all the features of independent claim 12. Thus, independent claim 12 defines patentable subject matter.

Independent claim 20 recites storing, at a file handling server, a data file and transfer conditioning information thereof received from a first mobile terminal connected through the mobile communication network, and selecting one among the stored data files based on the stored transfer conditioning information. Independent claim 20 also recites transferring the selected data file from the file handling server to a second mobile terminal specified as a destination of the selected file, wherein the transfer conditioning information includes information of a blocking time period set by a user of when to block a file transfer, wherein said selecting includes selecting one data file whose transfer blocking time period is closest to a current time, and wherein said transferring includes transmitting another data file to a third mobile terminal specified as a destination of another selected data file if the selected data file is not transferred to the second mobile terminal.

For at least similar reasons as set forth above, the applied references do not teach or suggest at least these features of independent claim 20. Thus, independent claim 20 defines patentable subject matter.

Accordingly, each of independent claims 1, 7, 12 and 20 defines patentable subject matter. Each of the dependent claims depends from one of the independent claims and

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therefore defines patentable subject matter at least for this reason. In addition, the dependent claims recite features that further and independently distinguish over the applied references.

CONCLUSION

In view of the foregoing, it is respectfully submitted that the application is in condition for allowance. Favorable consideration and prompt allowance of claims 1-7 and 10-21 are earnestly solicited. If the Examiner believes that any additional changes would place the application in better condition for allowance, the Examiner is invited to contact the undersigned attorney at the telephone number listed below.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this, concurrent and future replies, including extension of time fees, to Deposit Account 16-0607 and please credit any excess fees to such deposit account.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'David C. Oren', with a stylized, cursive script.

David C. Oren
Registration No. 38,694

P.O. Box 221200
Chantilly, Virginia 20153-1200
(703) 766-3701 DCO/kah:

Date: February 2, 2007

Please direct all correspondence to Customer Number 34610